

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/061,706 04/17/98 KEPHART

J Y0998-143

TM02/0524

IBM CORPORATION  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
PO BOX 218  
YORKTOWN HEIGHTS NY 10598

EXAMINER

BASHORE, W

ART UNIT PAPER NUMBER

2176

DATE MAILED:

05/24/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

09/661,706 4/17/1998

KEPHART ET AL

SERIAL NUMBER FILING DATE

FIRST NAMED APPLICANT

Y0988-143 (8728-503)

ATTORNEY DOCKET NO.

WILLIAM L. BISHORE

EXAMINER

2176 13  
ART UNIT PAPER NUMBER

DATE MAILED.

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

a)  is extended to run \_\_\_\_\_ or continues to run 3 mo. from the date of the final rejection  
b)  expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).  
 Applicant's response to the final rejection, filed 5/14/2001 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.

- The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:
  - There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - They raise new issues that would require further consideration and/or search. (See Note).
  - They raise the issue of new matter. (See Note).
  - They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: An automated classifier requires further search and/or consideration.

- Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
- Upon the filing an appeal, the proposed amendment  will be entered  will not be entered and the status of the claims will be as follows:

Claims allowed: 0  
Claims objected to: 0  
Claims rejected: 11-21, 23 - 61

However;

Applicant's response has overcome the following rejection(s): \_\_\_\_\_

- The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because they are substantially directed towards Applicant's amendment (see above). Here teaches reading of documents, which can be text based.
- The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
- The proposed drawing correction  has  has not been approved by the examiner.
- Other

*Heather Herndon*  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100